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## Rules, Regulations, Orders

### TITLE 10—ARMY: WAR DEPARTMENT

#### CHAPTER VI—ORGANIZED RESERVES

##### PART 61—OFFICERS' RESERVE CORPS<sup>1</sup>

§ 61.1 *Age and citizenship requirements in time of peace.*<sup>2</sup> (a) A Reserve officer must at the time of his appointment be a citizen of the United States or a citizen of the Philippine Islands in the military service of the United States, between the ages of 21 and 60 years.

(b) The minimum ages for original appointment will be as follows:

To the grade of—	Years
Second lieutenant (See subparagraph (1) below).....	21
First lieutenant (See subparagraph (2) below).....	24
Captain (See subparagraph (3) below).....	28
Major.....	33
Lieutenant colonel.....	39
Colonel (See subparagraph (4) below).....	46

(1) No appointments in Chaplains and Medical Department (except Medical Administrative Corps) are made in the grade of second lieutenant.

(2) Appointments in the grade of first lieutenant of the Dental, Veterinary, and Medical Corps may be made at the age of 21.

(3) No appointments in the Judge Advocate General's Department are made below the grade of captain. No appointments in the Medical Administrative Corps are made above the grade of captain.

(4) No appointments in Chaplains and Military Intelligence are made in the grade of colonel.

(c) The maximum ages for appointments (as distinguished from reappoint-

ments made at termination of 5-year period of commission) will be as follows:

Section	Second lieutenant	First lieutenant	Captain	Major	Lieutenant colonel	Colonel
Adjutant General's Department.....	35	38	42	47	53	60
Air Corps.....	35	38	42	47	53	60
(See subparagraph (2) below.)						
Cavalry.....	30	33	37	42	48	55
Chaplains.....	42	46	51	57		
Chemical Warfare Service.....	35	38	42	47	53	60
Coast Artillery Corps.....	30	33	37	42	48	55
Corps of Engineers.....	30	33	37	42	48	55
Dental Corps.....	35	39	44	50	57	
Field Artillery.....	30	33	37	42	48	55
Finance Department.....	35	38	42	47	53	60
Infantry.....	30	33	37	42	48	55
Judge Advocate General's Department.....			42	47	53	60
Medical Administrative Corps.....	35	38	42			
Medical Corps.....	35	39	44	50	57	
Military Intelligence.....	35	38	42	47	53	
Ordnance Department.....	35	38	42	47	53	60
Quartermaster Corps.....	50	35	37	42	48	55
Sanitary Corps.....		35	39	44	50	57
Signal Corps.....	30	33	37	42	48	55
Specialist.....	35	38	42	47	53	60
Veterinary Corps.....		35	39	44	50	57

(1) In applying these age limits, an applicant who has attained the birthday corresponding to the appropriate age shown above will be ineligible for appointment.

(2) After June 30, 1940, age limits for Air Corps Reserve are decreased 5 years in each grade.

(Sec. 37, 39 Stat. 189; 40 Stat. 73; sec. 32, 41 Stat. 775; sec. 2, 42 Stat. 1033; sec. 3, 48 Stat. 154; 48 Stat. 939; 10 U.S.C. 352, 353) [Par. 13, AR 140-5, June 16, 1936, as amended by Cir. No. 99, W.D., Dec. 20, 1939]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 40-148; Filed, January 8, 1940; 2:49 p. m.]

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### TITLE 12—BANKS AND BANKING CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

#### RESOLUTION APPROVING CERTIFIED STATEMENT FORMS

Paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, provides in part:

<sup>1</sup>These regulations amend section 61.1, Title 10, Code of Federal Regulations.

<sup>2</sup>4 F.R. 1643 DI.





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"The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe."

*Resolved*, That pursuant to the provisions of paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, the following described certified statement forms be approved:

(1) *Certified statement*. Part One, Based on Deposits for the Six Months Ending December 31, 1939, Form 5451, in quadruplicate.

(2) *Recapitulation of the monthly totals of certified statement*. Part Two, for the Six Months Ending December 31, 1939, Form 5551, in triplicate.

[SEAL]

E. F. DOWNEY,  
Secretary.

[F. R. Doc. 40-146: Filed, January 8, 1940;  
1:59 p. m.]

#### RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

JANUARY 2, 1940.

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State nonmember bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Saturday, December 30, 1939, on Form 64—Call No. 12,<sup>1</sup> and a report of earnings and dividends for the year ending December 30, 1939, on Form 73. Said report of condition shall be prepared in accordance

<sup>1</sup> Filed as part of the original document; requests for copies should be addressed to the Federal Deposit Insurance Corporation.

with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64," and said annual report of earnings and dividends shall be prepared in accordance with the instruction booklet issued as of December, 1937.

[SEAL]

E. F. DOWNEY,  
Secretary.

[F. R. Doc. 40-147: Filed, January 8, 1940;  
1:59 p. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. 821-FD]

#### IN THE MATTER OF THE APPLICATION OF BELLEVILLE FUELS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY ORDER GRANTING PROVISIONAL APPROVAL

Applicant, Belleville, Fuels, Inc., having on June 20, 1939, filed an application with the National Bituminous Coal Commission requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by the Commission on June 21, 1937; and

The Director of the Bituminous Coal Division of the Department of the Interior, the legal successor of the Commission, having, by Notice and Order for Hearing dated July 19, 1939, duly assigned the matter for hearing before an Examiner of the Division on August 9, 1939, at the Hearing Room of the Division, 734 Fifteenth Street NW., Washington, D. C.; and

A hearing having duly been held at the place designated in said Notice and Order for Hearing, on August 9, 1939, at which appearances were entered on behalf of the Applicant, the General Counsel of the Division, the Marketing Section of the Division, and Consumers' Counsel of the Office of the Solicitor of the Department of the Interior, and at which an opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded to all interested parties; and

The Examiner having duly submitted his report and proposed findings of fact on October 28, 1939, a copy of which was duly served on the Applicant, Counsel for the Division, and the Consumers' Counsel, pursuant to Rule XXIVa of the Rules of Practice and Procedure before the Commission, and the time for filing exceptions to such report having expired and no exceptions thereto having been filed; and

The Director having duly considered the application, the testimony and exhibits presented at the hearing, the report of the Examiner, and the entire record in this proceeding, and upon the basis thereof having adopted the Findings of Fact and Conclusions of Law of the Examiner as those of the Director, a copy of which Findings of Fact and Conclusions of Law is now on file in the office

of the Division, Washington, D. C., and which by this reference are incorporated herein and made a part hereof:

*It is ordered*, That the application of Applicant for provisional approval as a marketing agency, pursuant to Section 12 of the Bituminous Coal Act of 1937 and Order No. 6 of the Commission, be and the same is hereby granted; and

*It is further ordered*, That Applicant may, as to its members, and subject to the special conditions hereinafter set forth, provide for the cooperative marketing of their coal at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with Section 4 of the Act, and pursuant to the proposed marketing agency agreement to be executed by the Applicant and its producer-members upon approval of its application, a copy of which is attached to the application as Document (e) thereof:

#### *Provided, That:*

1. Applicant shall begin active operations within ninety (90) days from the date hereof.

2. All producers who are financially or otherwise interested in Applicant, and all producers for whom Applicant proposes to sell coal, whether as agent, factor, wholesale distributor or otherwise, shall continue to be members in good standing of the Bituminous Coal Code promulgated by the Commission under the Bituminous Coal Act of 1937.

3. Applicant and each of its members shall observe the effective marketing regulations and the minimum and maximum prices from time to time established, and shall otherwise conduct the business and operations of Applicant in conformity with reasonable regulations for the protection of the public interest, to be prescribed by the Division.

4. No producer who is a member of the Applicant shall be financially or otherwise interested in, or be a member of, any marketing agency which fails to make application for or to secure approval as provided in Order No. 6 issued by the Commission on June 21, 1937; nor shall any producer who is a member of Applicant directly or indirectly market any coal through any such agency which fails to make such application or to secure such approval.

5. The Applicant shall report promptly and in full all discussions, plans, arrangements or agreements undertaken by it, or its officers, members or agents, with other producers, distributors or marketing agencies, their officers, members or agents, concerning prices in common markets, production control, or allocation of markets; and no arrangements, agreements or understandings relating to the marketing of coal subject to the provisions of the Code and the Act shall be entered into, except upon the written approval of the Director of the Division first obtained.

6. All contracts and agreements entered into by Applicant shall be made subject to review and approval of the



Director of the Division; and all such contracts and agreements shall be submitted to the Director of the Division for his approval.

7. Whenever the Director has reason to believe that the agreement under which Applicant is functioning, or the operations of Applicant, alone or in combination with other marketing agencies, or the operations of the members or sub-agents of Applicant, are tending to restrict unreasonably the supply of coal in interstate commerce, or to prevent the public from receiving coal at fair and reasonable prices, or are operating against the public interest in any market area or areas, the Director may, by order, propose a schedule of maximum prices and marketing practices for the Applicant in such area or areas, and shall in such order provide for a hearing concerning such proposed prices and practices, and the basis or necessity therefor. The Director may thereupon establish a schedule of maximum prices and marketing regulations for Applicant in such market area or areas, which shall thereupon become a condition of the continuance of this order.

8. If any producer who is a member of Applicant shall fail to retain his membership in good standing in the Code, Applicant shall terminate such producer's connection with the marketing agency.

9. Applicant shall notify the Director of the Division forthwith of any change in its membership; and shall neither accept nor reject any application on the part of any producer for membership in Applicant with respect to any mine not now represented by Applicant, without the written approval of the Director first obtained.

10. The provisional approval herein granted shall extend and apply to the organization and general plan of operation of Applicant as a marketing agency, and shall not be construed as an approval of specific acts of Applicant with reference to the classification of coals and the determination of prices for specific coals.

11. The Applicant shall at all times hold its books and records open for the inspection of the Division and shall report regularly its prices, sales, commissions, commercial, captive and pre-agency contract tonnage and such other information pertinent to the operations of the agency as the Division may require.

If any of the aforesaid conditions shall not exist, or shall not be observed, the Director may, by order, suspend or revoke this order of approval.

This order of approval shall become effective on the date of publication thereof, and shall continue in effect for one year, subject to renewal upon application therefor, unless sooner suspended or revoked pursuant to Section 12 of the Act.

[SEAL]

H. A. GRAY,  
Director.

JANUARY 9, 1940.

[F. R. Doc. 40-154; Filed, January 9, 1940;  
11:58 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

[Docket No. A-123 O-123]

#### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

Whereas the Falls Cities Cooperative Milk Producers' Association, Inc., has requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organization and designed to regulate such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement and the issuance of an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held at the Brown Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., January 26, 1940, on the aforementioned marketing agreement and order prepared and proposed by the aforementioned organization and designed to regulate such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Louisville, Kentucky, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things,

for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of a market-wide pool, (f) deductions for marketing services, and (g) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL]

M. L. WILSON,

Acting Secretary of Agriculture.

Dated, January 8, 1940.

[F. R. Doc. 40-149; Filed, January 8, 1940;  
3:10 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1940.

[File No. 43-256]

### IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

#### ORDER CLOSING RECORD

On agreement of Counsel for the Commission and for Associated Gas and Electric Corporation, dated January 3, 1940, the Commission consenting thereto,

It is ordered, That the record in the above matter be closed, and such matter be separately submitted to the Commission on briefs and oral argument on January 12, 1940, at 10:00 a. m. Briefs shall be filed not later than January 10, 1940, and reply briefs may be filed any time thereafter prior to the time of argument.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-150; Filed, January 9, 1940;  
11:11 a. m.]

### United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of January 1940.

[File No. 1-2601]

### IN THE MATTER OF RHINE-WESTPHALIA ELECTRIC POWER CORPORATION AMERICAN SHARES REPRESENTING COMMON STOCK

#### ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange pursuant to Section 12 (d) of the Securities



Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the American Shares representing Common Stock of Rhine-Westphalia Electric Power Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on January 18, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-151; Filed, January 9, 1940;  
11:11 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of January, 1940.

[File No. 1-2814]

IN THE MATTER OF CITY OF CORDOBA 7%  
EXTERNAL SINKING FUND GOLD BONDS OF  
1927, DUE AUGUST 1, 1957, UNSTAMPED  
UNDER 1934 READJUSTMENT PLAN

ORDER GRANTING APPLICATION TO STRIKE  
FROM LISTING AND REGISTRATION

The New York Stock Exchange pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% External Sinking Fund Gold Bonds of 1927, due August 1, 1957, Unstamped under 1934 Readjustment Plan, of City of Cordoba; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective

at the close of the trading session on January 18, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-152; Filed, January 9, 1940;  
11:11 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1940.

[File No. 43-277]

IN THE MATTER OF EASTERN SHORE PUBLIC  
SERVICE COMPANY (DEL.) ET AL.

NOTICE OF AND ORDER FOR HEARING

Eastern Shore Public Service Company (Del.) has filed an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 concerning acquisition by it of the following securities:

(1) \$1,750,000 principal amount of First Mortgage 4% Bonds, due 1969 of Delmarva Power Company, a wholly-owned subsidiary of applicant, the proposed consideration for these bonds being \$600,000 in cash, and \$1,150,000 First Mortgage 5½% Bonds, due 1949 of Delmarva Power Company now held by applicant;

(2) \$1,372,500 First Mortgage 4% Bonds, due 1969 of Eastern Shore Public Service Company of Virginia, a wholly-owned subsidiary of applicant, the proposed consideration for these bonds being \$1,247,500 First Mortgage 6% Bonds, due 1959 of Eastern Shore Public Service Company of Virginia now held by applicant, the forgiveness of advances in the amount of \$109,390 made to Eastern Shore Public Service Company of Virginia by applicant, and \$15,610 in cash;

(3) \$2,142,500 First Mortgage 4% Bonds, due 1969 and 2,855 shares of \$100 par common stock of Eastern Shore Public Service Company of Maryland. The proposed consideration for these bonds and shares of stock is to be \$1,742,500 Refunding Mortgage 6% Bonds, due 1954 of Eastern Shore Public Service Company of Maryland now held by applicant. The forgiveness of advances in the amount of \$558,700 made to Eastern Shore Public

Service Company of Maryland by applicant and \$126,500 in cash;

It appearing to the Commission there are now pending before it applications of Delmarva Power Company, Eastern Shore Public Service Company of Virginia and Eastern Shore Public Service Company of Maryland pursuant to Section 6 (b) of the Act covering the issuance and sale to Eastern Shore Public Service Company of (Del.) of the above mentioned securities and a declaration on behalf of Eastern Shore Public Service Company of (Del.) pursuant to Section 7 of the Act covering the issuance and sale of a two-year 3% Bank Note in the principal amount of \$1,000,000 to be secured by \$1,110,000 First Mortgage 5% Bonds, Series C, due 1946, it is proposed in this declaration to sell the note to The Chase National Bank at par. A public hearing on said applications and declaration having been ordered by this Commission in its order dated December 15, 1939 setting said hearing for January 8, 1940, at 10:00 o'clock in the forenoon before James G. Ewell, or any other officer or officers of the Commission designated by it;

It further appearing to the Commission that it is desirable to join and consolidate for purposes of a public hearing the matter embraced by the instant application, and the matters embraced by the above mentioned pending applications and declaration;

*It is ordered*, That this proceeding be joined for hearing and heard together with the pending applications of Delmarva Power Company, Eastern Shore Public Service Company of Virginia and Eastern Shore Public Service Company of Maryland (File No. 43-277), and the pending declaration of Eastern Shore Public Service Company of (Del.) (File No. 43-277) being the applications and declaration above mentioned;

Notice of such hearing is hereby given to such applicants and declarant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 11, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-153; Filed, January 9, 1940;  
11:11 a. m.]